

## CHAPTER 110 CRIMES AGAINST PROPERTY

### TABLE

110-1	Damaging or Tampering with Coin Machines, etc.
110-3	Damaging of Drinking Fountains
110-4	Damaging of Public Property
110-8	Breaking of Street Lamps or Windows
110-10	Trespassing Upon Buildings or Premises; Signs
110-11	Nonpayment of Motor Bus Fare
110-12	Eviction; Forcible Entry and Denial of Access to a Premises
110-15	Vandalism
110-15.5	Vandalism - Graffiti Related
110-16	Theft
110-32	Fraud on Hotel or Restaurant Keeper
110-35	Retail Theft
110-36	Abandonment of Shopping Carts

**110-1. Damaging or Tampering with Coin Machines, etc.** Any person who, without lawful authority, opens, removes or damages any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possesses a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possesses a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the city, shall be fined not less than \$50 nor more than \$500 or, upon default of payment thereof, shall be imprisoned in the house of correction of Milwaukee county for not more than 30 days.

**110-3. Damaging of Drinking Fountains, etc.**

**1.** PROHIBITED. All persons are prohibited from breaking or otherwise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street, sidewalk or ground, or any public building, schoolhouse, hall, museum, library or branch library, bathhouse,

pavilion, recreation house or natatorium in the city.

**2.** PENALTY. Any person violating this section shall upon conviction be fined not less than \$5 nor more than \$50.

**110-4. Damaging of Public Property. 1. TREES, GRASS, STRUCTURES.** All persons are prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; treading, walking or riding upon any grass plot; or in any way injuring, soiling or defacing any public property in any public park, square, sidewalk or ground in the city, whether the same shall be owned or held in trust by said city or held in trust for the use of any district of said city.

**2.** PENALTY. Any person violating this section shall upon conviction be fined not less than \$5 nor more than \$50.

**110-8. Breaking of Street Lamps or Windows.**

Any person who shall break glass in any street lamps or windows of any building owned or occupied by the city shall be punished by a fine of not less than \$10 for each and every offense.

**110-10. Trespassing Upon Buildings or Premises; Signs. 1. PROHIBITED.** It shall be unlawful for any person within the limits of the city to go upon or remain upon the lands, buildings or premises of another or any part, portion or area thereof after having been forbidden to do so or warned not to do so, either orally or in writing, by the owner, lessee, custodian or other person in possession thereof, his agent or representative, or after having been forbidden to do so or warned not to do so by a sign posted on such lands, buildings, premises or part, portion or area thereof at a place where such sign may be reasonably seen, provided that this section shall not apply to police officers in the discharge of official duties.

**2.** PENALTY. Any person violating this section shall upon conviction be fined not more than \$500 and upon default of payment shall be imprisoned in the Milwaukee county jail or the house of correction of Milwaukee county for not more than 60 days.

## **110-11 Crimes Against Property**

### **110-11. Nonpayment of Motor Bus Fare.**

1. DEFINITION. In this section, "motor bus" has the meaning specified in s. 340.01 (31), Wis. Stats.

2. PROHIBITION. No person who intentionally enters a motor bus that transports persons for hire shall:

a. Refuse to pay, without delay, upon demand of the operator or other person in charge of the motor bus, the prescribed transportation fare.

b. Attempt to avoid payment of the fare either partially or in full through various means, including but not limited to, the use of a counterfeit, stolen, mutilated or altered ticket, pass, transfer or other bus fare medium.

c. Aid another person to avoid payment of the prescribed transportation fare.

3. PENALTY. Any person who violates this section shall be subject to a forfeiture of \$25 and upon default of payment shall be imprisoned in the county jail or house of correction of Milwaukee county for one day.

### **110-12. Eviction, Forcible Entry and Denial of Access to a Premises.**

1. PROHIBITED ACTS. a. No landlord, landlord's agent or anyone acting under color of authority from a landlord may make any forcible entry into the premises of a residential tenant, or threaten to make such a forcible entry, or attempt to enter the premises by the use of stealth or stratagem during the term or after the expiration of the tenant's tenancy. No landlord, landlord's agent, or person acting under color of authority of a landlord may forcibly hold possession of residential premises or a tenant's personal property, the possession of which was obtained without the use of force.

b. No tenant or anyone acting at the direction of a tenant may change or add locks or physically alter the structure of the premises or any fixtures located on the premises without the express written permission of the landlord. No tenant or any member of a tenant's household may deny a landlord access to the premises under sub. 3-b.

2. DEFINITION. In the section "forcible" means any of the following:

a. The actual or threatened use of physical force against a tenant or any member of the tenant's household.

b. The actual or threatened use of force with respect to any of the tenant's personal property.

c. Denial of access to the tenant or any member of the tenant's family to the premises or any personal property located on the premises.

d. Changing the locks or the physical alteration of the structure of the premises or any fixtures located on the premises with the intent to deprive the tenant of access thereto.

e. The actual or threatened interruption to the premises of the supply of fuel, heat, electricity or water.

f. Removal of doors, windows or other building components affecting the health or safety of the occupants.

3. EXCEPTIONS. a. This section does not apply to the exercise of liens of innkeepers and keepers of hotels or boarding or lodging houses under s. 779.43, Wis. Stats., or affect the provisions of s. ATCP 134.09, Wis. Adm. Code.

b. The landlord may upon advance notice and at reasonable times inspect the premises, make repairs and show the premises to prospective tenants or purchasers. If the tenant is absent from the premises and the landlord reasonably believes that entry is necessary to preserve or protect the premises, the landlord may enter without notice and with such force as appears necessary. Advance notice means at least 12 hours advance notice unless the tenant, upon being notified of the proposed entry, consents to a shorter time period.

4. PENALTY. Any person who violates this section shall upon conviction forfeit not less than \$25 nor more than \$500 together with costs of prosecution or, in default of payment, may be imprisoned in the house of correction of Milwaukee County for not more than 90 days. Each day during which a violation continues shall be determined a separate and distinct offense.

**110-15. Vandalism.** Whoever within the limits of the city intentionally causes damage to any physical property of another without his or her consent shall upon conviction thereof be fined not more than \$500, and upon default of payment shall be imprisoned in the Milwaukee county jail or the house of correction of Milwaukee county for not more than 60 days.

### **110-15.5. Vandalism - Graffiti Related.**

1. PROHIBITED CONDUCT. No person may write, paint, or draw any inscription,

figure, or mark of any type on any public or private building or other real or personal property owned, operated or maintained by a government entity or any agency or by any person, firm or corporation unless the express permission of the owner or operator of the property has been obtained.

**2. PENALTIES.** a. Any person convicted of violating this section shall forfeit not less than \$500 nor more than \$2,000 per violation, or upon default of payment be imprisoned for not more than 80 days, if the amount of defacement, damage or destruction to physical property is \$500 or less.

b. Any person convicted of violating this section shall forfeit not less than \$1,000 nor more than \$2,000 per violation, or upon default of payment be imprisoned for not more than 80 days, if the amount of defacement, damage or destruction to physical property is more than \$500.

**110-16. Theft. 1. DEFINITIONS.** In this section:

a. "Movable property" shall mean property whose physical location can be changed without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

b. "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other tangible rights.

c. "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

d. "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value shall mean either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

**2. INTENTIONAL.** Whoever intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another valued at less than \$500 without his or her consent and with intent to deprive the owner permanently of possession of such property may be penalized as provided in sub. 4.

**3. AIDING AND ABETTING.** Whoever is concerned in the commission of a violation of this section is a principal and may be charged with and convicted of the commission of a violation of this section although he or she did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other violation based on the same act. A person is concerned in the commission of a violation of this section if he or she: directly commits a violation of this section; intentionally aids and abets the commitment of it; or is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other violation of the code which is committed in the pursuance of the intended violation of this section and which under the circumstances is a natural and probable consequence of the intended violation of this section. This subsection does not apply to a person who

voluntarily changes his or her mind and no longer desires that a violation of this section be committed, and notifies the other parties concerned of his or her withdrawal within a reasonable time before the commission of a violation of this section so as to allow the others also to withdraw.

**4. PENALTY.** Any person violating this section upon conviction thereof shall be fined not more than \$500 and upon default of payment shall be imprisoned in the county jail or the house of correction of Milwaukee county for not more than 60 days.

**110-32. Fraud on Hotel or Restaurant Keeper.**

**1. UNLAWFUL.** Whoever does either of the following within the limits of the city shall, upon conviction, be fined not more than \$500 or upon default of payment may be imprisoned in the house of correction of Milwaukee county for not more than 60 days:

## 110-35 Crimes Against Property

a. Having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.

b. While a guest at any hotel, motel, boarding or lodging house or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of such relationship as guest.

**2. INTENT TO DEFRAUD.** Under this section, prima facie evidence of an intent to defraud is shown by:

a. The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of such relationship as guest. Such facts shall also be deemed prima facie evidence of an intent to abscond without payment.

b. The failure or refusal of any guest at a hotel, motel, boarding or lodging house or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.

c. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.

d. The drawing, endorsing, issuing or delivering to any hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

**110-35. Retail Theft. 1. INTENTIONAL.** Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of a merchant, without his or her consent and with intent to deprive the merchant permanently of possession of the full purchase price of the merchandise, may be penalized as provided in sub. 6 if the retail price of the merchandise involved is less than \$500.

**2. CONCEALMENT.** The intentional concealment of unpurchased merchandise

which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

**3. DETAINMENT.** A merchant or merchant's adult employe who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose of the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer, who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his or her employe effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

**4. EVIDENCE.** a. In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

b. A merchant or merchant's adult employe is privileged to defend property as prescribed in s. 939.49, Wis. Stats.

**6. PENALTY.** Any person violating this section upon conviction thereof shall be punished by a fine not to exceed \$500 together with costs for each and every offense, and in default of payment of either such fine or costs shall be confined in jail or the house of correction in Milwaukee county for a term of not more than 90 days at the discretion of the court.

**110-36. Abandonment of Shopping Carts.** No person shall abandon or leave unattended any grocery cart or shopping cart upon any public street, sidewalk, public or private way within

the city other than the premises where said cart was originally obtained. The name and address of the owner of the cart shall be securely attached thereto or marked thereon in a conspicuous place by such owner.

1. REMOVAL OR POSSESSION OF CARTS PROHIBITED. a. No person shall remove or cause to be removed any grocery cart or shopping cart from the premises and parking lot of the establishment which furnished said cart without express permission of the management of such establishment.

b. No person shall be in possession of any grocery cart or shopping cart beyond the boundaries of the premises, which furnished said cart without express written permission of the management of such establishment.

2. POSTING OF PROVISIONS. The owner or operator of every place of business or establishment which provides grocery carts or shopping carts for the use of its customers or patrons shall post or cause to be posted a copy of this section, or a summary thereof, in a conspicuous place within said place of business or establishment and upon any parking lot of said place of business or establishment.

3. DISPOSITION OF ABANDONED CARTS. Any grocery or shopping cart which has been abandoned or left unattended upon any public street, sidewalk or public way, or other property within the city, shall be taken by the police department or the department of public works, and turned over to a city self-help center. Carts not claimed within 5 days become the property of the city of Milwaukee. Reasonable attempts shall be made to notify owners of the abandoned carts.

4. PENALTY. Any person who violates this section shall forfeit not less than \$25 nor more than \$500 for the first offense and not less than \$500 nor more than \$5,000 for each subsequent offense. Any person in default of payment thereof, shall be imprisoned in the county jail or house of correction of Milwaukee county for a period not less than one day nor more than 90 days.

## 110--(HISTORY) Crimes Against Property

### LEGISLATIVE HISTORY CHAPTER 110

#### Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
110-11	cr	050516	2/28/2006	3/17/2006
110-12	cr	86-1909	3/17/87	4/3/87
110-12-3-a	am	930451	7/27/93	8/13/93
110-14	cr	950451	7/14/95	7/29/95
110-14	rp	980134	5/27/98	6/13/98
110-15.5	cr	932002	4/26/94	5/13/94
110-15.5-2	rc	041220	2/1/2005	2/18/2005
110-16	rc	84-1161	12/11/84	
110-16-1-b	rn to 110-16-1-c	882437	4/4/89	4/22/89
110-16-1-b	cr	882437	4/4/89	4/22/89
110-16-1-c	rn to 110-16-1-d	882437	4/4/89	4/22/89
110-16-2	am	020654	9/24/2002	10/11/2002
110-35-1	am	020654	9/24/2002	10/11/2002
110-36-0	am	031615	6/15/2004	7/2/2004
110-36-1	rc	031615	6/15/2004	7/2/2004
110-36-3	rc	031615	6/15/2004	7/2/2004
110-36-3-b	am	881930	3/7/89	3/25/89
110-36-4	am	881930	3/7/89	3/25/89
110-36-4	rc	031615	6/15/2004	7/2/2004

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